

State of Arizona
Senate
Forty-fifth Legislature
First Regular Session
2001

CHAPTER 321

SENATE BILL 1301

AN ACT

AMENDING SECTIONS 32-2802, 32-2804, 32-2812, 32-2814, 32-2816 AND 32-2841, ARIZONA REVISED STATUTES; CHANGING THE DESIGNATION OF TITLE 32, CHAPTER 28, ARTICLE 2, ARIZONA REVISED STATUTES, TO "CERTIFICATION"; REPEALING SECTION 41-3001.06, ARIZONA REVISED STATUTES; AMENDING TITLE 41, CHAPTER 27, ARTICLE 2, ARIZONA REVISED STATUTES, BY ADDING SECTION 41-3006.26; RELATING TO RADIOLOGIC TECHNOLOGISTS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 32-2802, Arizona Revised Statutes, is amended to
3 read:

4 32-2802. Medical radiologic technology board of examiners;
5 appointment; terms; compensation; meetings; removal;
6 employees; immunity

7 A. ~~There shall be a~~ THE medical radiologic technology board of
8 examiners IS ESTABLISHED ~~which shall function~~ as a division of the agency.
9 The board ~~shall be~~ IS composed of the director of the radiation regulatory
10 agency, or ~~his~~ THE DIRECTOR'S designee, who ~~shall serve~~ SERVES as chairman
11 and ~~nine other~~ THE FOLLOWING members appointed by the governor as follows:

12 1. Four members who are practicing radiologic technologists with, WHO
13 HAVE at least five years' experience and ~~are holders of~~ WHO HOLD radiologic
14 technology certificates issued pursuant to this chapter.

15 2. Two public members. Only a person who has never been a member, or
16 a spouse of a member, of a health care delivery profession, and who has never
17 had a material financial interest in the providing of health care or in a
18 directly related activity, ~~shall be~~ IS eligible to be a public member of the
19 board.

20 3. Two members who are licensed practitioners, one of whom ~~shall be~~
21 IS a radiologist.

22 4. One member who is a practical technologist in radiology with, WHO
23 HAS at least five years' experience and WHO is a current license holder.

24 B. All members ~~shall be appointed to~~ SERVE a term of three years to
25 begin and end on the third Monday of January in the appropriate year. THE
26 GOVERNOR SHALL FILL a vacancy ~~occurring other than by~~ THAT OCCURS BEFORE THE
27 expiration of A term ~~shall be filled by the governor~~ for the unexpired term
28 in which the vacancy occurred.

29 C. ~~Members of the~~ EACH board ~~shall~~ MEMBER IS ELIGIBLE TO receive
30 compensation as determined pursuant to section 38-611.

31 D. The board shall meet at least once every six months at times and
32 places determined by the board. Special meetings also may be held at such
33 times as the board may decide or on the call of the chairman. A written
34 notice of the time, place and purpose of any special meeting shall be mailed
35 to all members of the board.

36 E. The agency may provide additional professional, technical,
37 secretarial and clerical assistance as the board may require to carry out its
38 functions.

39 F. The board shall hold examinations for applicants for certificates
40 pursuant to this chapter at least once every six months, at such times and
41 places as the board may determine.

42 G. The governor may terminate the term of a board member and declare
43 the position vacant if the member fails to attend three consecutive board
44 meetings.

1 H. The board may hire practicing radiologic technologists and other
2 medical specialists to assist it in preparing and administering
3 examinations. These specialists shall receive the same compensation as board
4 members.

5 I. The board may employ temporary and permanent personnel necessary
6 to carry out the purposes of this chapter.

7 J. Board members, board staff and board examiners are personally
8 immune from suit for all actions taken in good faith in furtherance of the
9 purposes of this chapter.

10 Sec. 2. Section 32-2804, Arizona Revised Statutes, is amended to read:
11 32-2804. School approval; standards; considerations

12 A. The board may approve a school of radiologic technology as
13 maintaining a satisfactory standard if its course of study:

14 1. Is for a period of not less than twenty-four months of full-time
15 study or its equivalent and is accredited by the committee on allied health
16 accreditation or meets or exceeds the standards of this chapter.

17 2. Includes not less than four hundred hours of classroom work
18 including, ~~but not limited to,~~ radiation protection, x-ray physics,
19 radiographic techniques, processing techniques, nursing procedures, anatomy
20 and physiology, radiographic positioning, radiation therapy and professional
21 ethics.

22 3. Includes not less than one thousand eight hundred hours devoted to
23 clinical experience.

24 4. Includes demonstrations, discussions, seminars and supervised
25 practice.

26 5. Includes not less than eighty hours of regularly scheduled
27 supervised film critiques.

28 B. An approved school of radiologic technology may be operated by a
29 medical or educational institution or other public or private agency or
30 institution and, for the purpose of providing the requisite clinical
31 experience, shall be affiliated with one or more hospitals that, in the
32 opinion of the board, are likely to provide such THIS experience.

33 C. In approving a school of radiologic technology, the board shall
34 consider the standards adopted by appropriate professional organizations,
35 including the ~~committee on allied health accreditation~~ JOINT REVIEW COMMITTEE
36 ON EDUCATION IN RADIOLOGIC TECHNOLOGY, THE American medical association, the
37 American osteopathic association, the American college of radiology and the
38 American osteopathic college of radiology, and may accept the certification
39 of a school of radiologic technology or the accreditation of a hospital to
40 provide requisite clinical experience, if the board finds that such
41 certification or accreditation was granted on the basis of standards that
42 will afford the same protection to the public as the standards provided by
43 this chapter.

1 Sec. 3. Section 32-2812, Arizona Revised Statutes, is amended to read:
2 32-2812. Application for certificate; qualifications; fee;
3 exceptions

4 A. An applicant for a certificate shall submit an application for
5 certification or an application for examination for certification,
6 accompanied by a nonrefundable fee of sixty dollars. The application for
7 certification fee may be prorated quarterly over the certification period.
8 ~~Individuals who have~~ AN APPLICANT WHO HAS practiced radiography without
9 certification shall pay a prorated fee retroactively to the earliest date of
10 uncertified practice. THE FEE FOR A REPLACEMENT CERTIFICATE IS TEN DOLLARS.
11 The application for examination fee is sixty SEVENTY dollars and shall not
12 be prorated. An application shall be verified by oath or affirmation and
13 shall contain information that the applicant:

- 14 1. Is at least eighteen years of age.
15 2. Is of good moral character.
16 3. Has successfully completed:

17 (a) Either a four-year course of study in a secondary school approved
18 by the board or an equivalent board approved course of study in addition to
19 a course of study at a school of radiologic technology approved by the board.

20 (b) In the case of application for practical technologist in podiatry
21 certification and practical technologist in radiology certification, high
22 school or its equivalent as determined by the board with the advice of the
23 state board of education, and satisfactorily meets the basic requisites
24 determined by the board pursuant to section 32-2803.

25 B. If the application is in proper form and it appears that the
26 applicant meets the eligibility requirements, the applicant shall be notified
27 of the time and place of the next examination.

28 C. The board may accept, in lieu of its own examination, a valid
29 certificate issued on the basis of an examination by a certificate-granting
30 body recognized by the American medical association or the American
31 osteopathic association, or a certificate, registration or license issued by
32 another state if such THAT state's standards for certification, registration
33 or licensure are satisfactory to the board.

34 D. The board may deny a certificate to an applicant who has committed
35 an act or engaged in conduct in any jurisdiction that resulted in a
36 disciplinary action against the applicant or that would constitute grounds
37 for disciplinary action under this chapter.

38 E. THE BOARD OR CHAIRMAN OF THE BOARD MAY DESIGNATE A REPRESENTATIVE
39 TO APPROVE OR DENY APPLICATIONS FOR CERTIFICATION.

1 Sec. 4. Section 32-2814, Arizona Revised Statutes, is amended to read:

2 32-2814. Issuance of certificates; temporary certificates;
3 special permits

4 A. The board shall issue a certificate to each candidate who has paid
5 the prescribed fee and who either has successfully passed the examination or
6 has been accepted pursuant to section 32-2812.

7 B. The board may, ~~upon special~~, ON application by ~~an individual~~, MAY
8 issue a special permit ~~exempting the individual~~ TO EXEMPT A PERSON from the
9 ~~specific~~ provisions of this chapter if the board finds to its satisfaction
10 that there is substantial evidence that the people in the locality of the
11 state, ~~in which such exemption is sought,~~ would be denied adequate medical
12 care because of unavailability of certified licensed practitioners or persons
13 holding certificates pursuant to this chapter. The BOARD SHALL ISSUE A
14 ~~special permits shall be granted~~ PERMIT for A limited periods PERIOD of time,
15 not to exceed one year, to be prescribed by the board in accordance with the
16 purposes of this chapter. The ~~permits may be renewed~~ BOARD MAY RENEW A
17 PERMIT if the circumstances have not changed.

18 C. The board through its designated representative may issue a
19 temporary certificate to any person whose certification or recertification
20 ~~may be~~ IS pending and in whose case the issuance of a temporary certificate
21 may be justified by reason of special circumstances.

22 D. A temporary certificate shall be issued only if the board or its
23 designated representative finds that its issuance will not violate the
24 purposes of this chapter or tend to endanger the public health and safety.
25 A temporary certificate ~~shall expire ninety~~ EXPIRES THIRTY days after the
26 date of the next examination if the applicant is required to take the
27 examination or, if the applicant does not take the examination, then on the
28 date of the examination. In all other cases, a temporary certificate ~~shall~~
29 ~~expire~~ EXPIRES when the determination is made either to issue, or to deny the
30 issuance of, a certificate. ~~and in no event shall~~ A temporary certificate
31 SHALL NOT be valid for a ~~period longer~~ MORE than one hundred eighty days ~~nor~~
32 ~~shall it be renewable~~ AND MAY NOT BE RENEWED more than once.

33 E. A person shall submit an application for certification in a form
34 prescribed by the board. The board may require that the application include
35 other evidence of qualification.

36 Sec. 5. Section 32-2816, Arizona Revised Statutes, is amended to read:

37 32-2816. Certificates; terms; registration; renewal;
38 cancellation; waiver

39 A. If a certificate holder's last name begins with a letter that falls
40 between A through M, the certificate expires on the certificate holder's
41 birthday in every even numbered year. All other certificates expire on the
42 certificate holder's birthday in every odd numbered year. The board shall
43 notify a certificate holder thirty days before the expiration date of the
44 certificate.

1 B. THE BOARD MAY RENEW a certificate ~~may be renewed by the board for~~
2 ~~a period of two years~~ on payment of a renewal fee in an amount established
3 by the board pursuant to section 32-2803 and submission of a renewal
4 application containing information the board requires to show that the
5 applicant for renewal is a technologist in good standing. THE APPLICANT FOR
6 RENEWAL SHALL ALSO PRESENT EVIDENCE SATISFACTORY TO THE BOARD OF HAVING
7 COMPLETED TWENTY-FOUR HOURS OF CONTINUING EDUCATION IN RADIOLOGIC TECHNOLOGY
8 WITHIN THE PRECEDING TWO YEARS. IF A RADIOLOGIC TECHNOLOGIST IS CERTIFIED
9 BY THE AMERICAN REGISTRY OF RADIOLOGIC TECHNOLOGISTS, THAT PERSON MUST
10 SATISFY THE CONTINUING EDUCATION REQUIREMENTS OF THIS SUBSECTION BY PROVIDING
11 THE BOARD WITH EVIDENCE OF THE TECHNOLOGIST'S GOOD STANDING AND CURRENT
12 CERTIFICATION WITH THAT REGISTRY.

13 C. A certificate holder who fails to renew the certificate on or
14 before the certificate holder's birthday as prescribed in subsection A of
15 this section shall pay a penalty fee of fifty dollars for late renewal.

16 D. A certificate holder who does not renew a certificate within thirty
17 days after the certificate expires and who continues the active practice of
18 radiologic technology without adequate cause satisfactory to the board is
19 subject to censure, reprimand or denial of right to renew the certificate
20 pursuant to section 32-2821.

21 E. On the request of a certificate holder in good standing, the board
22 shall cancel a certificate.

23 F. The board shall waive the renewal fee if a certificate holder
24 submits an affidavit to the board stating that the certificate holder is
25 retired from the practice of radiologic technology or wishes to be placed on
26 inactive status. A retired or inactive technologist who practices is subject
27 to the same penalties imposed pursuant to this chapter on a person who
28 practices radiologic technology without a certificate.

29 G. The board may reinstate a technologist on retired or inactive
30 status on payment of the renewal fee pursuant to subsection B of this
31 section.

32 Sec. 6. Section 32-2841, Arizona Revised Statutes, is amended to read:

33 32-2841. Mammographic technologists; certification

34 A. A person who wishes to perform diagnostic or screening mammography
35 as defined in section 30-651 ~~after January 1, 1994,~~ shall obtain a
36 mammographic technologist certificate from the board. The board shall issue
37 a certificate to an applicant who:

38 1. Pays a twenty dollar application fee.

39 2. Holds a current radiologic technologist certificate issued by the
40 board.

41 3. Completes the education requirements of subsection B of this
42 section.

43 4. Passes an examination as prescribed in subsection C of this
44 section.

1 B. To satisfy the education requirements of subsection A of this
2 section, an applicant for certification shall complete forty hours of
3 didactic instruction and at least one hundred sixty hours of clinical
4 instruction taught by a facility accredited by the American college of
5 radiology or licensed by this state. Courses shall be taught by instructors
6 who have completed at least four hundred mammograms in the previous year.
7 Clinical instruction shall be competency based and positions that cannot be
8 tested on patients shall be tested through simulations. Didactic and
9 clinical instruction shall include the following:

- 10 1. The anatomy and physiology of the breast.
- 11 2. Classification of breast tissue.
- 12 3. Epidemiology of the breast.
- 13 4. Methods to detect breast cancer.
- 14 5. Sources of information regarding breast cancer.
- 15 6. The influence of technical factors.
- 16 7. Positioning of the breast.
- 17 8. Film and image evaluation and critique.
- 18 9. Radiation biology and radiation protection.
- 19 10. Quality assurance methods.
- 20 11. The physics of mammography.

21 C. To satisfy the examination requirements of this section an
22 applicant shall pass an examination in mammography administered by either the
23 board or by the American registry of radiologic technologists. Examinations
24 administered by the board shall use the same grading standards established
25 by the American registry of radiologic technologists examination.

26 D. A certificate issued under this section is valid for two years. An
27 applicant for renewal of this certificate shall present evidence satisfactory
28 to the board of having completed eight hours of continuing education in
29 mammography within the preceding two years. If a radiologic technologist is
30 certified by the American registry of radiologic technologists, that person
31 must satisfy the continuing education requirements of this subsection by
32 providing the board with evidence of the technologist's good standing and
33 current certification with that registry. The applicant shall also pay a
34 twenty dollar renewal fee to the board.

35 E. The board shall issue a temporary certificate to a person who meets
36 the requirements of subsection A, paragraphs 1, 2 and 3 of this section if
37 that person also provides the board with verification of employment and the
38 name of the radiologist who agrees to be responsible for the applicant's
39 supervision and training. A temporary certificate is valid for ninety THIRTY
40 days from the date it is issued and may be renewed one time for an additional
41 six months. If the holder completes all of the requirements of subsection
42 A of this section within that time, the board shall issue a regular
43 certificate. This certificate is valid for two years from the date the board
44 issued the temporary certificate and shall be renewed as prescribed under
45 subsection D of this section.

1 F. A person or facility that employs a person certified under this
2 section shall report any suspected violations of section 32-2821 to the
3 board. The board shall investigate the complaint and act as prescribed under
4 section 32-2821. If in the course of its investigation the board determines
5 that a person regulated by another regulatory agency of this state may have
6 violated that agency's laws, the board shall report the violation to the
7 other agency for disciplinary action.

8 Sec. 7. Repeal

9 Section 41-3001.06, Arizona Revised Statutes, is repealed.

10 Sec. 8. Title 41, chapter 27, article 2, Arizona Revised Statutes, is
11 amended by adding section 41-3006.26, to read:

12 41-3006.26. Medical radiologic technology board of examiners;
13 termination July 1, 2006

14 A. THE MEDICAL RADIOLOGIC TECHNOLOGY BOARD OF EXAMINERS TERMINATES ON
15 JULY 1, 2006.

16 B. TITLE 32, CHAPTER 28 IS REPEALED ON JANUARY 1, 2007.

17 Sec. 9. Heading change

18 The article heading of title 32, chapter 28, article 2, Arizona Revised
19 Statutes, is changed from "LICENSING" to "CERTIFICATION".

20 Sec. 10. Purpose

21 Pursuant to section 41-2955, subsection B, Arizona Revised Statutes,
22 the legislature continues the medical radiologic technology board of
23 examiners to promote the safe delivery of medical radiologic technology
24 services to the public by regulating the providers of these services.

25 Sec. 11. Retroactivity

26 Sections 7 and 8 of this act are effective retroactively to July 1,
27 2001.

28 Sec. 12. Requirements for enactment; two-thirds vote

29 Pursuant to article IX, section 22, Constitution of Arizona, this act
30 is effective only on the affirmative vote of at least two-thirds of the
31 members of each house of the legislature and is effective immediately on the
32 signature of the governor or, if the governor vetoes this act, on the
33 subsequent affirmative vote of at least three-fourths of the members of each
34 house of the legislature.

APPROVED BY THE GOVERNOR MAY 4, 2001.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MAY 4, 2001.

Passed the House April 24, 20 01,

by the following vote: 45 Ayes,

10 Nays, 5 Not Voting,
Article IX, Section 22

[Signature]
Speaker of the House

[Signature]
Chief Clerk of the House

Passed the Senate March 5, 20 01,

by the following vote: 20 Ayes,

9 Nays, 1 Not Voting
With Article IX, Sec. 22

[Signature]
President of the Senate

[Signature]
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

 day of , 20 ,

at o'clock M.

Secretary to the Governor

Approved this day of

 , 20 ,

at o'clock M.

Governor of Arizona

S.B. 1301

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this day of , 20 ,

at o'clock M.

Secretary of State

SENATE CONCURS IN HOUSE
AMENDMENTS AND FINAL PASSAGE

Passed the Senate May 01, 20 01,

by the following vote: 26 Ayes,

3 Nays, 1 Not Voting
With Article X, sec. 22

Randall Shaver
President of the Senate

Charmine B. Winton
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

1 day of May, 20 01,

at 10:54 o'clock A M.

Sandra Ramirez
Secretary to the Governor

APPROVED THIS 4th day of

May, 20 01,

at 11 o'clock A M.

Janet Napolitano
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 4 day of May, 20 01,

at 4:34 o'clock P M.

Robert Taylor
Secretary of State

S.B. 1301